

Constitution Went Down: An Analysis

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Early in 1967, many diverse groups throughout New York State began to take an interest in the work of the Constitutional Convention. It was to run from early April to late September and cost ten million dollars.

Some of these groups showed concern about a single issue, such as consent on or court reform. Others had a broader interest in many areas under discussion. Prominent among the latter was the New York State Catholic Committee. This organization made careful preparations for the entire Convention, testified before appropriate committees concerned with 10 of the eventual 15 articles and, at the conclusion of the Convention, actively favored 10 articles in the Constitutional referendum placed before the voters. These articles included subjects such as health and welfare, education, human rights, housing, poverty, etc.

The Bill of Rights article contained the substitution of the federal first amendment for the so-called Blaine Amendment (Article XI, Section 3 of the existing Constitution). The new Bill of Rights would also have included the right of any citizen to sue in a challenge of the constitutionality of any act of legislation.

From the beginning, it was the opinion of the Democratic majority at the Convention that the liberal features of the new Constitution (such as the change in the public school state aid formula to restore equitable treatment to the cities and the assumption of total welfare costs by the state) could only be passed in a single package. It was also felt that placing the repeal of the Blaine Amendment in the one package would tend to muffle religious controversy.

During the closing week of the Convention, it was a public fact that representatives of the New York State Catholic Committee preferred a separate vote on the so-called Blaine Amendment, but the single package emerged by one decisive vote, at the close of the

Convention. The Liberal Party gave its three votes to a single package that promptly opposed the entire package, largely because of the inclusion of Blaine.

It had been the theory of the Democratic leadership that a coalition could be put together in favor of the Constitution which would be composed of the Democratic Party, the Liberal Party, and Catholics of all parties. What actually happened was almost the exact reverse.

'One Package' Rub
The Catholic vote was split wide open by the stance of both the Republican and Conservative Parties against the Constitution. Catholics, along with all voters in the state, were warned with a maximum of publicity that the new Constitution would bring an enormous increase in taxes. Besides, they were told with great effect, that the Democrats were attempting to use the Catholic Church to jam the single package down their throats. Many Catholics believed this charge and resented it.

Furthermore, the Catholics were assured that both Republicans and Democrats would cooperate in producing future repeal of the so-called Blaine Amendment by the ordinary process of amending the existing old Constitution with only a slight time lag of one year.

Liberals vs. Blaine
The Liberal Party, expected to back the single package because it was basically a liberal document that incorporated reforms for which they had fought in vain for years, balked at supporting the repeal of the so-called Blaine Amendment. The same thing happened within the reform wing of the Democratic Party. Several liberal Democrats, such as William Vanden Teuvel and Don Mankiewicz, Jr., tried in vain to convince them that the new Constitution actually provided increased protection and state, especially since it included the first amendment (which covered all areas of Church and state, not

only education as in the Blaine Amendment), together with the right to sue.

The Republicans, despite the fact that their delegates had voted for most of the articles, chose to oppose the Constitution. Apparently, they considered several of its features, such as the reorganization of local government and the removal of the literacy test politically threatening. Consequently, Senator Earl Brydges led the opposition although he had voted affirmatively for all fifteen articles.

Opposition Mounted
Consequently, an active campaign was conducted against the Constitution during October by the Republican Party, the Conservative Party (now the third largest in the state), the Liberal Party and the reform wing of the Democratic Party. To make it almost unanimous, the regular Democrats were unable to raise funds for a campaign in support of the Constitution. Furthermore, local Democratic candidates for office, with rare exceptions, refused to accept the responsibility for defending the Constitution against the charge that it would bring higher taxes.

Defenders of the proposed Constitution—a document highly regarded by social scientists—were as hard to find as water in the Sahara.

Tax Scare Hurt
The main issue in the minds

of most voters, despite the persistent chatter of the media concerning the Blaine Amendment, was higher taxes. At no time were the major beneficiaries of these taxes—people living in cities—clearly aware how much they would benefit financially from the new Constitution.

For instance, few voters in the cities had any real conception of the way the new Constitution would improve public school aid in all the cities of the state. The Republican Leader, Perry Duryea, estimated that New York City alone would receive an increase of \$200 million additional each year. Not one of the New York City newspapers published this announcement. New York City, like all other major cities of the state, is currently received \$150 less per pupil in state aid than are the surrounding school districts in the more affluent suburbs.

In the New York Times of November 9, 1967, political writer, Peter Kihss provided an astute analysis of the vote. His conclusion, buttressed by a variety of examples, was that economics (high taxes) had been the overriding issue for most voters.

Nassau County provides a striking instance that the threat of high taxes swayed the vote. Nassau County is at least 45 per cent Catholic, yet Nassau County did not muster 20 per cent of the vote in favor of the Constitution, despite the fact

that the re-elected incumbent (County Executive Eugene Nickerson) campaigned for it.

It is difficult to assess the extent to which voters reacted against the proposed Constitution because it repealed the Blaine Amendment, the long-standing restriction against state aid to schools under religious auspices. There are various indications that the majority of voters would have favored such a repeal on a separate vote.

The action of the Liberal Party suggests that its leaders were convinced that Blaine would have been repealed with a separate vote. On the other hand, the Jewish community seemed to be strongly opposed to repealing Blaine, either because of their traditional historical fear of the Catholic Church or because of their exclusive loyalty to the public schools. This feeling persisted despite the inclusion of the first amendment and the right to sue in the new document.

What does all this add up to? In the opinion of most political observers, this is what happened:

The original strategy of the Democrats was to put something good for everybody in the single package and invite everybody to vote for the whole document. Just the opposite occurred. Almost everyone—even a large percentage of Catholics—had something against the Constitution. So, almost everyone voted against the whole document.

Throughout the entire discussion and debate regarding state aid to schools in which religion was taught, there was great concern among many religious leaders about the damage this issue might do to the ecumenical movement. The LaFarge Institute conducted a dialogue among leaders of the three major faiths before the beginning of the Convention in an unsuccessful effort to alleviate this situation.

For interfaith harmony, a Catholic position recommended "the burial of Blaine" by a passage of the proposed Constitution, thereby avoiding debate on the issue three more times (in the next two sessions of the legislature and at the time of the referendum).

Rev. Donald Harrington, a Protestant minister, chairman of the New York State Liberal Party, and a delegate to the Convention, called for defeat of the Constitution so that the Church-state issue of state aid to religious schools would die "for once and for all."

Only time can test these viewpoints.

Baptists Like Rome Freedom

Washington — (RNS)—Baptist World Alliance observers at the recent Roman Catholic World Congress of the Lay Apostolate in Rome reported that they found a "tremendous freedom of expression among delegates.

The observers were the Rev. C. Ronald Goulding, associate secretary of the BWA in London; and Claus Meister of Zurich, lay president of the Swiss Baptist Union.

They filed individual reports there with Josef Nordenhaug, general secretary of the BWA.

Mr. Goulding said he found that the "laity of the Roman Catholic Church is a numerous, organized, vocal and somewhat revolutionary body whose members are anxious that their point of view should be not only heard but accepted with the Roman Catholic Church."

Concurring with him, Mr. Meister observed that "not even the speech of the Pope midway in the Congress could dampen the free expression . . .

clearly attempted to put the laymen in their place. He instructed them to leave the principal concerns up to the hierarchy. Many of the laymen were obviously and openly disappointed and depressed by the Pope's message.

"Some wondered if the Congress stood a chance. Yet, the Congress went on with the second half of its work as if the Pope had not said these words."

Mr. Goulding noted that the Congress was the first international meeting of the Catholic laity since Vatican II and said that at the Council Catholics "were faced with the mandate to bring the Church closer to the modern world."

But at the laity Congress, he added, the laymen "were assessing how successfully this mandate was being achieved."

The consensus of the Baptist observers was that it had been "wise" for Baptists to attend the Congress. They said that their presence at the meeting strengthened acquaintance with other denominational observers.

Sunday Visitor Publishes Interfaith Magazine

New York — (RNS) — The first ecumenically produced publication on interreligious activities has been issued by the National Council of Churches and Our Sunday Visitor, a Roman Catholic publisher in Huntington, Ind.

A semi-monthly magazine, entitled *Unity Trends*, is edited by the staff of the NCC's Faith and Order Department. In consultation with the Catholic Bishops Committee for Ecumenical and Interreligious Affairs.

The initial issue of *Unity Trends* appeared Nov. 14 and had a mailing of some 30,000 copies to subscribers and prospective subscribers.

The Rev. William A. Norgren, NCC Faith and Order director, is the new publication's editor-in-chief, with Msgr. Vincent A. Yzermans, editor of *Our Sunday Visitor*, serving as his organization's representative on the magazine.

In a joint statement, Mr. Norgren and Msgr. Yzermans

explained that the new publication was the result of discussions "that have been carried on for almost a year."

"In effect," they said, "it represents a merger of two previous publications, one Catholic, the *Direction of Unity*, and the other Protestant, *Orthodox, Faith and Order Trends*. We have concluded that rather than to write about ecumenical events from two different viewpoints, it would be better to edit and publish one single ecumenical publication ecumenically."

The majority of *Unity Trends* subscriptions are expected to be "bulk orders, with ecumenical officers of the Christian Churches and diocesan directors of ecumenical commissions distributing copies to their constituents," Mr. Norgren and Msgr. Yzermans said.

Protestant and Orthodox churchmen, according to Mr. Norgren, "expect information to be more rapidly and widely shared through *Unity Trends*."

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